T OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (Modified) (REV 11-2000) TRANSMITTAL LETTER TO THE UNITED STATES 112643-039 U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 PRIORITY DATE CLAIMED INTERNATIONAL FILING DATE INTERNATIONAL APPLICATION NO. 30 June 1999 23 June 2000 PCT/EP00/05834 TITLE OF INVENTION LACTOSE OPERON OF LACTOBACILLUS DELBRUECKII AND ITS USE FOR CONTROLLING GENE TRANSCRIPTION AND/OR EXPRESSION IN BACTERIAL CELLS APPLICANT(S) FOR DO/EO/US Germond et al. Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include itens (5), ZZ, (6), (9) and (24) indicated below. The US has been elected by the expiration of 19 months from the priority date (Article 31). \boxtimes 4. A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) \times is attached hereto (required only if not communicated by the International Bureau). has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). C. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). is attached hereto. a. has been previously submitted under 35 U.S.C. 154(d)(4). b. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) 7. are attached hereto (required only if not communicated by the International Bureau). have been communicated by the International Bureau. b. have not been made; however, the time limit for making such amendments has NOT expired. have not been made and will not be made. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 8. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 9. \boxtimes An English language translation of the annexes to the International Preliminary Examination Report under PCT 10. Article 36 (35 U.S.C. 371 (c)(5)). A copy of the International Preliminary Examination Report (PCT/IPEA/409). \boxtimes 11. A copy of the International Search Report (PCT/ISA/210). \boxtimes 12. Items 13 to 20 below concern document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 13. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 14. A FIRST preliminary amendment. \boxtimes 15. A SECOND or SUBSEQUENT preliminary amendment. 16. A substitute specification. 17. A change of power of attorney and/or address letter. 18. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 19. A second copy of the published international application under 35 U.S.C. 154(d)(4). 20. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 21.

 \boxtimes

 \boxtimes

22.

23.

Certificate of Mailing by Express Mail

Express Mail No.: EL 727 381 267 US

Other items or information:

Return Receipt Postcard

IN INTERIOR TO THE LEGISLE CONTROL OF THE LEG INTERNATIONAL APPLICATION NO. U.S. APPLICATION NO. (IF 112843-039 PCT/EP00/05834 CALCULATIONS PTO USE ONLY The following fees are submitted:. 24. BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1040.00 and International Search Report not prepared by the EPO or JPO. International preliminary examination fee (37 CFR 1.482) not paid to \$890.00 USPTO but International Search Report prepared by the ÉPO or JPO International preliminary examination fee (37 CFR 1.482) not paid to USPTO \$740.00 but international search fee (37 CFR 1.445(a)(2)) paid to USPTO International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)...... \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = \$890.00 Surcharge of \$130.00 for furnishing the oath or declaration later than \$0.00 months from the earliest claimed priority date (37 CFR 1.492 (e)). RATE NUMBER FILED NUMBER EXTRA CLAIMS \$0.00 \$18.00 - 20 = 19 Total claims \$168.00 2 \$84.00 - 3 = ndependent claims \$0.00 Multiple Dependent Claims (check if applicable). \$1,058.00 TOTAL OF ABOVE CALCULATIONS Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are \$0.00 reduced by 1/2. \$1,058.00 SUBTOTAL □ 30 Processing fee of \$130.00 for furnishing the English translation later than \$0.00 months from the earliest claimed priority date (37 CFR 1.492 (f)). \$1,058.00 TOTAL NATIONAL FEE Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). \$0.00 \$1,058.00 TOTAL FEES ENCLOSED Amount to be: refunded \$ \$ charged to cover the above fees is enclosed. \$1,058.00 A check in the amount of ن a. \boxtimes to cover the above fees. in the amount of Please charge my Deposit Account No. b. A duplicate copy of this sheet is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment \boxtimes A duplicate copy of this sheet is enclosed. to Deposit Account No. 02-1818 Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card d. information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: Robert M. Barrett, Esq. SIGNATURE Bell, Boyd & Lloyd LLC Robert M. Barrett P.O. Box 1135 Chicago, Illinois 60690-1135 NAME Tel: (312) 807-4204 30,142 REGISTRATION NUMBER

December 20, 2001

DATE

10/019817 3 Rec d PCT/PTO 20 DFC 2001

| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Germond et al. | | | Docket No. 112843-039 |
|---|--|--|----------------------------------|
| Serial No. Unknown | Filing Date Herewith | Examiner Unknown | Group Art Unit Unknown |
| Invention: LACTOSE C | PPERON OF LACTOBACILLUS PTION AND/OR EXPRESSION I | DELBRUECKII AND ITS USE N BACTERIAL CELLS | E FOR CONTROLLING GENE |
| Transmittal Letter (du International Prelimina | e following correspondence: plicate); International Application ry Examination Report; Internat PTO-1449; Cited References; Retu | ional Search Report; Prelimina | ry Amendment; Information |
| (filing fee). | | of correspondence) | |
| is being deposited with | n the United States Postal Service | ce "Express Mail Post Office to | Addressee" service under |
| 37 CFR 1.10 in an env | elope addressed to: The Assista | nt Commissioner for Patents, V | Vashington, D.C. 20231 on |
| December 2 (Date) | | Robert J. By (Type Cor Aritical Number of Person Moiling EL 727 381 26 ("Express Mail" Mailing L | Correspondence) Correspondence) |

Note: Each paper must have its own certificate of mailing.